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## AGENCY REVIEW

# DEPARTMENT OF ENVIRONMENTAL PROTECTION DIVISION OF AIR QUALITY

## AUDIT OVERVIEW

The West Virginia Division of Air Quality Has Relevant Performance Measures But for the Purpose of Reporting to the Legislature It Should Include the State's Regional Air Quality Indexes in the Executive Budget Operating Details

The West Virginia Division of Air Quality's Website Is User-Friendly and Transparent



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## EXECUTIVE SUMMARY

An Agency Review of the Department of Environmental Protection (DEP) is authorized pursuant to Chapter 4, Article 10, Section 8 of the *West Virginia Code*. As part of the review, an evaluation was conducted on the West Virginia Division of Air Quality (DAQ) within the DEP. The DAQ's mission is to protect and improve today's air quality and preserve it for future generations. The DAQ adheres to its mission by collecting criteria pollutant data at operating air monitoring sites and administering a management program for major and nonmajor facilities to protect the health and welfare of the public and the environment. The following issues are contained in this review:

### Report Highlights:

#### **Issue 1: The West Virginia Division of Air Quality Has Relevant Performance Measures But for the Purpose of Reporting to the Legislature It Should Include the State's Regional Air Quality Indexes in the Executive Budget Operating Details.**

- The DAQ listed good performance goals and measures that are outputs of processes that lead to the ultimate outcome of good air quality. However, air quality indexes for the state are performance measures not provided in the *Executive Budget Operating Details*.
- The DAQ could utilize the annual air quality data to document the change in the number of good air quality days from the previous year. It is also of benefit to utilize the benchmark created by the EPA to address the issue of how the DAQ is performing and if it is providing a measurable benefit to the citizens of the state.

#### **Issue 2: The West Virginia Division of Air Quality's Website Is User-Friendly and Transparent.**

- The DAQ website is well designed and easy to navigate but could use modest improvements to increase citizen engagement.

- The DAQ website allows for interaction but could use modest improvements to increase its transparency to the public.
- Currently the DAQ's performance measures are not listed within the website. In order to promote transparency, the DAQ should provide public access to its performance measures via the DAQ website.

## **Recommendations**

1. *The Division of Air Quality should report to the Department of Revenue in the Executive Budget Operating Details the performance goals and measures associated with the regional air quality for the state.*
2. *The DAQ should consider providing public access to its performance measures via its website and include current and historical performance measures.*

## ISSUE 1

### **The West Virginia Division of Air Quality Has Relevant Performance Measures But for the Purpose of Reporting to the Legislature It Should Include the State’s Regional Air Quality Indexes in the Executive Budget Operating Details.**

#### **Issue Summary**

The Legislative Auditor has observed that many state agencies do not provide relevant performance measures as part of their reporting responsibility for the *Executive Budget Operating Details*. It is not clear if the reason for this omission is because of a lack of understanding of what appropriate performance measures are or if agencies do not compile adequate measures of performance. The Legislative Auditor noticed that the Division of Air Quality (DAQ) reports relevant goals and performance measures to the Legislature through the *Executive Budget Operating Details*. However, the agency did not report the most important performance measure, which is a measure reflecting West Virginia’s air quality. **Upon our review of the DAQ, it was found that the agency compiles regional measures of air quality for the state.** The air quality measures indicate that West Virginia generally has good to moderate air quality. This further indicates that the DAQ is performing reasonably well in meeting its overall outcome. The Legislative Auditor recommends that the DAQ report to the Legislature through the *Operating Details* the regional air quality measures as one of its performance measurements.

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*Although the DAQ reports relevant performance goals and measures to the Legislature, it did not report the most important performance measure, which is a measure reflecting West Virginia’s air quality.*

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*Performance goals represent desired performance, while performance measures represent actual performance.*

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#### **Performance Goals and Measures of the Executive Budget**

As part of the appropriation request process, it is required that state agencies submit division-level performance measures for the *Operating Details* of the State’s Executive Budget. Other information reported includes the agency’s mission statement, performance goals and objectives. Performance goals represent desired performance, while performance measures represent actual performance. Although legislative appropriations are not based on performance measures submitted by state agencies, performance measures are required in order to promote accountability before the Legislature and the public, and to encourage agencies to become result-oriented in their operations.

The Legislative Auditor has observed that many state agencies have not provided adequate performance goals or measures in the *Operating*

*Details* of the State’s Executive Budget. In some cases, performance measures are not strongly tied to the agency’s overall mission, while in other cases the list of performance measures is incomplete. In addition, state agencies often do not provide performance goals or benchmarks for their performance measures. Without a performance goal or benchmark, a performance measure does not indicate whether actual performance is good or needs improvement. **The Legislative Auditor has taken on the task of assessing the performance measures that state agencies list in the Executive Budget in order to facilitate the purpose of having them reported.**

The Division of Air Quality states its mission statement as follows:

**Division of Air Quality**

**Mission Statement**

The Department of Environmental Protection indicates that the mission of the DAQ is to protect and improve today’s air quality and preserve it for future generations.

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*The Legislative Auditor has taken on the task of assessing the performance measures that state agencies list in the Executive Budget in order to facilitate the purpose of having them reported.*

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The Legislative Auditor examined the agency’s mission statement to determine if the agency’s focus is statutorily supported. The performance of an agency is tied to what the agency considers its mission. Therefore, the mission should be clearly understood by the agency and it should not be more or less than what is statutorily required. The Legislative Auditor’s evaluation of what the agency considers its mission statement is shown in the following table.

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*The performance of an agency is tied to what the agency considers its mission.*

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<b>The Division of Air Quality’s mission statement is:</b>	
fully supported by statute.	X
not supported by statute.	
is less than statutorily required.	
is more than statutorily mandated.	
is determined administratively as allowed by statute.	



## Mission Statement Sources

The DAQ's mission statement is supported by Chapter 22, Article 5 of the West Virginia Code and the Federal Clean Air Act.

- §22-5-1: *It is hereby declared to be the public policy of this state and the purpose of this article to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of the people, promote economic and social development of this state and facilitate the enjoyment of the natural attractions of the state.*
- *Federal Code §7401(b)(1): The purpose of this subchapter is to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population.*

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*The DAQ listed good performance goals and measures that are outputs of processes that lead to the ultimate outcome of good air quality.*

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The Legislative Auditor has determined that the DAQ's stated mission statement does not add to or reduce from its statutory mandate.

## The DAQ Lists Good Performance Measures But Omitted the Most Important One

Given the DAQ's mission statement, the outcomes for the agency are to "protect" and "improve" the state's air quality. Therefore, the most important performance measure is the actual air quality for the state. **However, air quality indexes for the state were not provided to the Department of Revenue in the *Executive Budget Operating Details*, although the DAQ does compile this information.** The DAQ listed good performance goals and measures that are outputs of processes that lead to the ultimate outcome of good air quality. The DAQ listed the following performance goals to the Department of Revenue:

1. Collect pollutant data at operating air monitoring sites at a minimum data recovery rate of 75 percent.
2. Take final action on preconstruction permit applications within 90 days of receipt of a complete application.
3. Issue Title V operating permit renewals within 12 months of receipt of a complete application.

These three performance goals are important in meeting the outcome of protecting the state’s air quality. It is the Legislative Auditor’s opinion that these performance goals and the resulting performance measures are strongly correlated to the agency’s mission. The following is a discussion of each:

**1. Collect pollutant data at operating air monitoring sites at a minimum data recovery rate of 75 percent.**

In order to achieve satisfactory air quality, the DAQ must obtain pollutant data from areas within the state to gauge the levels of pollution. The DAQ has 22 air monitoring sites throughout the state from which it collects pollutant data. It is not always possible to collect pollutant data from each of these sites every day. Therefore, the DAQ has the goal of collecting data from at least 75 percent of the air monitoring sites each day. The 75 percent standard is mandated by the United States Environmental Protection Agency (EPA). It is important to collect data as often as possible for an accurate daily representation of the state’s air quality and to make any necessary changes to meet federal guidelines. The instrumentations at monitoring stations are used continuously and are subject to nightly calibration and verification. If an area’s analyzed pollutants do not meet EPA standards it is the DAQ’s responsibility to develop a state implementation plan to achieve and maintain air quality standards in that area. Table 1 shows that since 2007 the DAQ has collected data at an average of 95 percent of monitoring sites, well above the 75 percent performance standard.

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*The DAQ has 22 air monitoring sites throughout the state from which it collects pollutant data...the DAQ has the goal of collecting data from at least 75 percent of the air monitoring sites each day.*

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*If an area’s analyzed pollutants do not meet EPA standards it is the DAQ’s responsibility to develop a state implementation plan to achieve and maintain air quality standards in that area.*

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**Table 1  
West Virginia DAQ Pollutant Data Recovery Rate  
Fiscal Years 2007-2011**

Fiscal Year	Data Recovery Rate
2007	95%
2008	95%
2009	98%
2010	97%
2011	96%

*Source: West Virginia Division of Air Quality and 2011 Executive Budget and DAQ*

According to the Executive Director, “100 percent data recovery at all monitors is never achieved in practice. Reasons for not achieving 100 percent recovery are because data is lost or voided....” This can be caused by the following:

- Calibration and verification checks nightly or weekly voiding data.
- Instruments are periodically audited which causes voided data.
- Particulate instruments are mounted on rooftops and subject to the elements which can cause data loss.
- Instruments break and fail.
- Power outages will cause a loss of data.
- A media based sample may be voided by the lab for damage.
- Instruments may fail a quality assurance check which will void data.

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*The review of permit applications for stationary sources of air pollutants is relevant and closely related to the division’s mission of protecting air quality.*

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**2. Take final action on preconstruction permit applications within 90 days of receipt of a complete application.**

The review of permit applications for stationary sources of air pollutants is relevant and closely related to the division’s mission of protecting air quality. Without the necessary regulations of business constructions that could potentially increase air pollutants, the quality of the air in that region could be seriously affected. According to *West Virginia Legislative Rules Title 45 Series 13*, it is the DAQ’s duty to review permit applications on properties which will undergo “...any physical changes or change in the method of operation (including onsite fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in an increase in the potential to emit or increase in actual emissions of regulated air pollutants....”

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*The DAQ utilizes a numerical standard of completing the permit within 90 days as a way to gauge the division’s effectiveness.*

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The DAQ utilizes a numerical standard of completing the permit within 90 days as a way to gauge the division’s effectiveness. Unlike the previous performance measure, which was a federal requirement, this is actually part of legislative rules. The utilization of a timeframe for completing permit applications is quite common but according the Executive Director, “...the number varies from state to state.” The timeline for completing permit applications was changed by the West Virginia Legislature on June 1, 2009 from 180 days to the current deadline of 90 days. During 2007, 2008 and 2009 the DAQ completed the permits within 180 days on average 95 percent of the time (see Table 2).

**Table 2**  
**Preconstruction Permit Applications Completed Within Timeframe**

Fiscal Year	Permit Applications Completed Within Timeframe
2007	95%
2008	93%
2009	97%
2010*	77%
2011	75%

*Source: West Virginia Division of Air Quality and 2011 Executive Budget and DAQ*  
*\*Beginning in 2010, the time frame changed from 180 days to 90 days.*

On June 1, 2009, the timeframe for completing preconstruction permit applications was changed from 180 days to 90 days due to an amendment to *West Virginia Code of State Rules §45-13*. During 2010 the division completed the permit applications within 90 days 77 percent of the time. According to the Executive Director, during 2011 the DAQ has completed permit applications within 90 days 75 percent of the time. The reduction in the percentage of applications completed within the amended timeframe during the last two years may be attributed to the DAQ's adjustment to the new standard.

According to the DAQ, once received, each permit application is logged into the division's Airtrax database within 48 hours. The DAQ then assigns an engineer to review the application and determine any applicable regulatory requirements. The engineer will review the application for technical completeness and to also determine applicable regulatory requirements. A notice is then placed in the newspaper to begin a 30-day public comment period. If no comments are received, the application is given to the Director for approval. If comments are received, all of the public concerns must be answered, occasionally a public meeting will be held in the area as well. It is the Legislative Auditor's opinion that after reviewing the methodology of the permit review process, this performance measure is relevant to the overall outcome and reasonably reliable.

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*On June 1, 2009, the timeframe for completing preconstruction permit applications was changed from 180 days to 90 days due to an amendment to West Virginia Code of State Rules §45-13.*

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### **3. Issue Title V operating permit renewals within 12 months of receipt of a complete application.**

Title V operating permit sources are major facilities which have already been built but have the capability of emitting 10 tons per year or more of any hazardous air pollutant listed in the Clean Air Act, 25 tons per year or more of any combination of such hazardous air pollutants or 100

tons per year or more of any pollutant. To continue to adhere to the DAQ’s mission of protecting the quality of today’s air, it is imperative to review each operations application for renewal, complete an onsite inspection if needed, and review the application for technical completeness.

As with the previous performance measure, the timeframe is part of *West Virginia Legislative Rule Tile 45 Series 30 article 6.1.b.* which states, “...the Secretary shall take final action on each permit application within (12) months after the application is deemed complete.” During 2007, 2008, and 2009 the DAQ completed Title V permit renewals within 12 months 89 percent of the time (see Table 3).

Fiscal Year	Permit Renewals Issued Within Time Frame
<b>2007</b>	95%
<b>2008</b>	84%
<b>2009</b>	87%
<b>2010</b>	80%
<b>2011</b>	84%

*Source: West Virginia Division of Air Quality and 2011 Executive Budget and DAQ*

In 2010 and 2011, the DAQ completed 80 and 84 percent of permit renewals within 12 months respectively. According to the Executive Director, renewals may not be completed on time due to “...compliance issues, negotiating the terms of the permit, waiting on a preconstruction permit to be issued, U.S. EPA involvement, complexity of the permit, etc.”

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In order to complete the performance measure, each permit renewal is received by the administrative staff and logged into the mail log. The division’s Title V Program Manager then assigns the renewal to a predetermined engineer who reviews the application to confirm that all required administrative information is present. The application is logged into the division’s Airtrax database and the engineer reviews the application for completeness. After review, a notice is placed in the newspaper beginning the 30-day public comment period and a concurrent 45-day EPA comment period. If no comments are received, the permit renewal is given to the director for approval. If comments are received by the division, all of the public concerns must be answered, as they relate to air quality issues. It is the Legislative Auditor’s opinion that

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after reviewing the methodology of the permit review process, this performance measure is relevant to the overall outcome and reasonably reliable.

### **The DAQ Should Report on the Regional Air Quality Within the Executive Budget Operating Details**

The DAQ's mission is to protect and improve today's air quality. Currently, the DAQ does not report to the Legislature through the *Executive Budget Operating Details* a performance measure detailing the state's regional air quality. To ensure that the DAQ is accomplishing its overall outcome, the DAQ should report to the Department of Revenue the state's regional air quality as part of its appropriation request that is printed in the *Executive Budget Operating Details*. The DAQ currently monitors the state's air quality at nine locations (Charleston, Greenbrier County, Huntington, Martinsburg, Morgantown, Moundsville, Vienna, Weirton and Wheeling). Each location has a monitoring station with computerized technical instruments. The stations record concentrations of major pollutants and the measurements are converted into an Air Quality Index (AQI) value using standard formulas developed by the EPA. The EPA uses the AQI for ground level ozone (O<sub>3</sub>), particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>) and nitrogen dioxide (NO<sub>2</sub>). The EPA divided the AQI scale into six levels of health concern and assigned a specific color code for each (see Table 4).

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*To ensure that the DAQ is accomplishing its overall outcome, the DAQ should report to the Department of Revenue the state's regional air quality as part of its appropriation request that is printed in the Executive Budget Operating Details.*

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<b>Table 4 Air Quality Index Categories</b>		
<b>Levels of Health Concern</b>	<b>Numerical Value</b>	<b>Meaning</b>
Good	0-50	Air quality is considered satisfactory, and air pollution poses little or no risk.
Moderate	51-100	Air quality is acceptable; however, for some pollutants there may be a moderate health concern for a very small number of people who are unusually sensitive to air pollution.
Unhealthy for Sensitive Groups	101-150	Members of sensitive groups may experience health effects.
Unhealthy	151-200	Everyone may begin to experience health effects; members of sensitive groups may experience more serious health effects.
Very Unhealthy	201-300	Health alert. Everyone may experience more serious health effects.
Hazardous	>300	Health warnings of emergency conditions.

*Source: United States Environmental Protection Agency.*

The most recent data for FY 2010 demonstrates the air quality for the state is in the good to moderate range over 98 percent of the time (see Table 5).



**Table 5**  
**Air Quality Indices**  
**for West Virginia Monitoring Stations,**  
**FY 2010**

Location	Highest AQI Value Recorded	2010 – Number of Days in Each Category				Pollutants Measured
		Good	Moderate	Unhealthy for Sensitive Groups	Unhealthy	
Charleston	129	322	42	1	0	SO <sub>2</sub> , O <sub>3</sub> , PM <sub>10</sub>
Greenbrier County	93	190	24	0	0	O <sub>3</sub>
Huntington	101	335	29	1	0	SO <sub>2</sub> , O <sub>3</sub>
Martinsburg	135	163	50	1	0	O <sub>3</sub>
Morgantown	119	323	37	5	0	SO <sub>2</sub> , O <sub>3</sub>
Moundsville	129	235	123	7	0	SO <sub>2</sub> , PM <sub>2.5</sub>
Vienna	131	273	82	10	0	SO <sub>2</sub> , O <sub>3</sub>
Weirton	119	308	52	5	0	CO, SO <sub>2</sub> , O <sub>3</sub> , PM <sub>10</sub>
Wheeling	116	154	46	4	0	O <sub>3</sub>

*Source: West Virginia Division of Air Quality*

The DAQ could utilize the annual data to document the change in the number of good air quality days from the previous year. It is also of benefit to utilize the benchmark created by the EPA which can address the issue of how the DAQ is performing and if they are providing a measurable benefit to the citizens of the state. **Therefore, the Legislative Auditor recommends that the DAQ develop an additional performance measure that will provide a more complete indication of the DAQ's performance.**

## Conclusion

The performance goals and measures the DAQ reports in the *Executive Budget Operating Details* of the State's Executive Budget are relevant to its mission and give a good assessment of its performance.



However, the DAQ should also include the state's regional air quality indices as a performance measure of how well the agency is achieving its mission. The DAQ collects these data as part of its normal activities and thus would not incur any additional cost to the agency. Such a measure would show the ultimate outcome of the agency's activities in protecting and improving West Virginia's air quality.

## **Recommendation**

*1. The Division of Air Quality should report to the Department of Revenue in the Executive Budget Operating Details the performance goals and measures associated with the regional air quality for the state.*



## Issue 2

### The West Virginia Division of Air Quality’s Website Is User-Friendly and Transparent.

#### Issue Summary

It has become common and expected that governments convey to the public what it is doing through website technology. A number of organizations have developed assessment criteria to evaluate federal and state government websites for transparency and user-friendliness. The Legislative Auditor conducted a literature review on assessments of government websites and developed an assessment tool to evaluate West Virginia’s state agency websites (see Appendix C). The assessment tool lists a large number of website elements; however, some elements should be included in every state website, while other elements such as social media links, graphics and audio/video features may not be necessary or practical for certain agencies. Table 6 indicates that the Division of Air Quality integrates 50 percent of the checklist items within their website. This rating is at a level that shows the agency has given consideration to the issues of transparency and user-friendliness in the use of website technology. Modest improvements could be made such as providing a section within the homepage for open job postings and publishing the most recent DAQ budget.

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*The Legislative Auditor conducted a literature review on assessments of government websites and developed an assessment tool to evaluate West Virginia’s state agency websites.*

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<b>Table 6</b> <b>West Virginia Division of Air Quality</b> <b>Website Evaluation Score</b>			
Substantial Improvement Needed	More Improvement Needed	Modest Improvement Needed	Little or No Improvement Needed
0-30%	31-39%	40-54%	55-100%
		<b>DAQ 50%</b>	
<i>Source: The Legislative Auditor’s review of Division of Air Quality’s website.</i>			

#### The DAQ Scores Well in User-Friendliness and Transparency

In order to actively engage with an agency online, citizens must first be able to access and comprehend information on government websites. Therefore, government websites should be designed to be user-friendly. **A user-friendly website is understandable and easy to navigate from**

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*In order to actively engage with an agency online, citizens must first be able to access and comprehend information on government websites. Therefore, government websites should be designed to be user-friendly.*

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**page to page.** Government websites should also provide transparency of an agency’s operation to promote accountability and public trust. **A website that promotes transparency provides sufficient information on an agency’s budget, organization and performance.**

The Legislative Auditor reviewed the DAQ website for both user-friendliness and transparency. Table 7 demonstrates the DAQ website is both user-friendly and transparent, needing only modest improvements to address areas that are lacking.

<b>Category</b>	<b>Possible Points</b>	<b>Agency Points</b>	<b>Percentage</b>
User-Friendly	18	9	50
Transparent	32	16	50
<b>Total</b>	<b>50</b>	<b>25</b>	<b>50</b>

*Source: Legislative Auditor’s assessment of the DAQ website.*

### **The DAQ Website Is Well Designed Needing Only Modest Improvement**

The DAQ website is easy to navigate as every page is linked to the agency’s homepage and has many of the core elements such as a search tool and site map which acts as an index of the entire website. The website also displays a Frequently-Asked-Questions (FAQ) section that allows users to immediately obtain answers to the most common questions presented to the DAQ. The DAQ website can also be comprehended by most citizens. The DAQ has numerous pages on its website but on average the readability of the text is on an 8<sup>th</sup> grade reading level making it readable for the majority of citizens.

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#### **User-Friendly Considerations**

Overall, the DAQ website is designed to allow for active citizen engagement but there are some modest improvements that could enhance the website. The following are a few attributes that could lead to a more user-friendly website:

- **Help Link**- A link which allows the user to access assistance if needed.

- **Foreign Language Accessibility**- A link to translate all webpages into one or more languages other than English.

## **The DAQ Website Is Transparent Needing Only Modest Improvement**

A website that is transparent will have elements such as email contact information, the location of the agency, the agency's phone number, as well as public records, the budget and performance measures. A transparent website also allows interaction between the agency and citizens concerning a host of issues. The division's website has the majority of core elements that are necessary for a general understanding of the division. Items such as email contact information, the location and phone number of the division, a complaint form and a privacy policy enable citizens to adequately communicate with the division.

### **Transparency Considerations**

The DAQ's website is transparent, but as with the user-friendly section, it could use modest improvements. The following are a few attributes that could be beneficial to the DAQ in increasing its transparency:

- **DAQ Budget**- A link to the annual DAQ budget.
- **DAQ Organizational Chart**- A pictorial representation such as a hierarchy/organizational chart.
- **DAQ Performance Measures**- A link from the homepage providing the agency's performance measures.
- **Open Job Postings**- Available jobs within the DAQ and a link to the Personnel Division website.

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*A website that is transparent will have elements such as email contact information, the location of the agency, the agency's phone number, as well as public records, the budget and performance measures.*

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## **Conclusion**

The emerging use of technology from paying bills to interactive communication has filtered its way to state government. In order to take advantage of this phenomenon, state agencies are utilizing websites to engage citizens as active participants in the governmental process. Few studies have focused on legislative websites and those that have, use different criteria when reviewing sites. A literature review was conducted and utilized to formulate a website checklist that graded the DAQ website

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on its user-friendliness and transparency. The DAQ website is both user-friendly and transparent but could benefit from incorporating some interactive features such as a help link or by producing its annual budget to become more transparent. While these features could be incorporated, the DAQ should be commended for its current website structure.

The current DAQ website enables users to review annual reports, air quality data, contact information, division newsletters, permit applications, national air quality standards, and a summary of the division's legislative rules and contact information. Currently the DAQ's performance measures are not listed within the website. Providing the user with the division's performance measures will create a transparent atmosphere of open government. **It is the Legislative Auditor's opinion that to continue to strive for open government and transparency, the DAQ should provide public access to its performance measures via its website. Such access should include the DAQ's current and historical performance.**

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*The DAQ website is both user-friendly and transparent but could benefit from incorporating some interactive features such as a help link or by producing its annual budget to become more transparent.*

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## Recommendation

2. *The DAQ should consider providing public access to its performance measures via its website and include current and historical performance measures.*

## Appendix A: Transmittal Letter

### WEST VIRGINIA LEGISLATURE *Performance Evaluation and Research Division*

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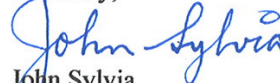
Dear Ms. Casto:

This is to transmit a draft copy of the review of the West Virginia Division of Air Quality. This report is scheduled to be presented during the September 12-14, 2011 interim meeting of the Joint Committee on Government Operations and the Joint Committee on Government Organizations. We will inform you of the exact time and location once the information becomes available. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committees may have.

If you would like to schedule an exit conference to discuss any concerns you may have with the report, please notify us. We need your written response by noon on Thursday, September 1, 2011 in order for it to be included in the final report. If your agency intends to distribute additional material to committee members at the meeting, please contact the House Government Organization staff at 340-3192 by Thursday, September 8, 2011 to make arrangements.

We request that your personnel not disclose the report to anyone not affiliated with your agency. Thank you for your cooperation.

Sincerely,

  
John Sylvia

c: John Benedict, Director, DEP Division of Air Quality

*Joint Committee on Government and Finance*





## Appendix B: Objective, Scope and Methodology

### Objective

Pursuant to Chapter 4, Article 10, Section 8 of the *West Virginia Code*, the Legislative Auditor initiated an Agency Review of the Department of Environmental Protection by the Performance Evaluation and Research Division (PERD). As part of the 2011 review, an evaluation was conducted on the Division of Air Quality (DAQ). The objective of this review is to examine the DAQ's performance measures and website.

### Scope

The scope of this review covers fiscal years 2007-2011 for DAQ's performance measures. PERD reviewed DAQ's performance measures through the *Executive Budget Operating Details*. The scope of the website evaluation covered fiscal year 2011. PERD reviewed the DAQ's website for user friendliness and transparency.

### Methodology

The Legislative Auditor's staff reviewed the DAQ's performance measures during fiscal years 2007-2011. The DAQ's mission statement was also reviewed to determine if it was statutorily supported. PERD assessed those performance measures in order to determine their relevance to the DAQ's mission statement. PERD also assessed the reliability of DAQ's performance measure by reviewing the agency's methodology in calculating the results for each performance measure. Once a review was made of the current performance measures and the mission statement an additional performance measure was recommended which would assist in determining if the agency was accomplishing its mission.

In evaluating DAQ's website, a literature review of government website studies, groups that rate government websites and top ranked government websites were reviewed in order to establish a master list of elements that would increase citizen engagement. The Brookings Institute's 2008 State and Federal E-Government in the United States and the Rutgers University's 2008 E-Governance study helped identify the top ranked states in regards to e-government. PERD identified three states (Indiana, Maine and Massachusetts) that were ranked in the top ten in both studies. PERD reviewed all three states' main portals for trends and common similarities in transparency and open government.

PERD also reviewed a 2010 report from the West Virginia Center on Budget and Policy that assisted in identifying a group of core elements from the master list that should be incorporated into every state and local website to increase its transparency and e-governance. It is understood that not every item listed in the master list is to be found in a department or agency website. Some of the technology would not be practical or useful. Therefore, PERD is not recommending that an agency or department upgrade its website but to determine if it is progressing in step with the e-government movement of top ranking states that are emphasizing transparency and user-friendliness.



## Appendix C: Website Criteria Checklist and Points System

<b>Website Criteria Checklist and Points System</b>			
<b>Criteria</b>	<b>Description</b>	<b>Points Possible</b>	<b>Agency Points</b>
<b>User Friendly</b>	The ease of navigation from page to page along with the usefulness of the website.	<b>Total= 18</b>	
Search Tool	The website should contain a search box (1), preferably on every page (1).	2 points	2 points
Help Link	There should be a link that allows users to access a FAQ section (1) and agency contact information (1) on a single page. The link’s text does not have to contain the word help, but it should contain language that clearly indicates that the user can find assistance by clicking the link (i.e. “How do I...”, “Questions?” or “Need assistance?”)	2 points	0 points
Foreign language accessibility	A link to translate all webpages into languages other than English.	1 point	0 points
Content Readability	The website should be written on a 6 <sup>th</sup> -7 <sup>th</sup> grade reading level. The Flesch-Kincaid Test is widely used by Federal and State agencies to measure readability.	No points, see narrative	
Site Functionality	The website should use sans serif fonts (1), the website should include buttons to include font size (1), and resizing of text should not distort site graphics or text (1).	3 points	3 points
Site Map	A list of pages contained in a website that can be accessed by web crawlers and users. The Site Map acts as an index of the entire website and a link to the department’s entire site should be located on the bottom of every page.	1 point	1 point
Mobile Functionality	The agency’s website is available in a mobile version (1) and/or the agency has created mobile applications (apps) (1).	2 points	0 points
Navigation	Every page should be linked to the agency’s homepage (1) and should have a navigation bar at the top of every page (1).	2 points	2 points
FAQ Section	A page that lists the agency’s most frequent asked questions and responses.	1 point	1 point

Feedback Options	A page where users can voluntarily submit feedback about the website or particular section of the website.	1 point	0 points
Online survey/poll	A short survey that pops up and requests users to evaluate the website.	1 point	0 points
Social Media Links	The website should contain buttons that allow users to post an agency's content to social media pages such as Facebook and Twitter.	1 point	0 points
RSS Feeds	RSS stands for "Really Simple Syndication" and allows subscribers to receive regularly updated work (i.e. blog posts, news stories, audio/video, etc.) in a standardized format. All agency websites should have a RSS link on their websites.	1 point	0 points
<b>Transparency</b>	A website which promotes accountability and provides information for citizens about what the agency is doing. It encourages public participation while also utilizing tools and methods to collaborate across all levels of government.	<b>Points Possible= 32</b>	<b>Agency Points</b>
Job Postings/links to Personnel Division website	The agency should have a section on homepage for open job postings (1) and a link to the application page Personnel Division (1).	2 points	0 points
Email	General website contact.	1 point	1 point
Physical Address	General address of stage agency.	1 point	1 point
Phone Number	Correct phone number of state agency.	1 point	1 point
Location of Agency Headquarters	The agency's contact page should include an embedded map that shows the agency's location.	1 point	1 point
Administrative officials	Names (1) and contact information (1) of administrative officials.	2 points	2 points
Administrator(s) biography	A biography explaining the administrator(s) professional qualifications and experience.	1 points	1 points
Privacy policy	A clear explanation of the agency/state's online privacy policy.	1 points	1 point

Public Records	<p>The website should contain all applicable public records relating to the agency’s function. If the website contains more than one of the following criteria the agency will receive two points:</p> <ul style="list-style-type: none"> <li>• Statutes</li> <li>• Rules and/or regulations</li> <li>• Contracts</li> <li>• Permits/licenses</li> <li>• Audits</li> <li>• Violations/disciplinary actions</li> <li>• Meeting Minutes</li> <li>• Grants</li> </ul>	2 points	2 points
Complaint form	A specific page that contains a form to file a complaint (1), preferably an online form (1).	2 points	2 points
Budget	Budget data is available (1) at the checkbook level (1), ideally in a searchable database (1).	3 points	0 points
Mission statement	The agency’s mission statement should be located on the homepage.	1 points	1 points
Calendar of events	Information on events, meetings, etc. (1) ideally imbedded using a calendar program (1).	2 points	0 points
e-Publications	Agency publications should be online (1) and downloadable (1).	2 points	2 points
Agency Organizational Chart	A narrative describing the agency organization (1), preferably in a pictorial representation such as a hierarchy/organizational chart (1).	2 points	0 points
Graphic capabilities	Allows users to access relevant graphics such as maps, diagrams, etc.	1 point	1 point,
Audio/video features	Allows users to access and download relevant audio and video content.	1 point	0 points.
FOIA information	Information on how to submit a FOIA request (1), ideally with an online submission form (1).	2 points	0 points
Performance measures/outcomes	A page linked to the homepage explaining the agencies performance measures and outcomes.	1 point	0 points
Agency history	The agency’s website should include a page explaining how the agency was created, what it has done, and how, if applicable, has its mission changed over time.	1 point	0 points
Website updates	The website should have a website update status on screen (1) and ideally for every page (1).	2 points	0 points



## Appendix D: Agency Response



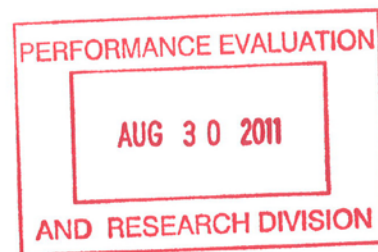
west virginia department of environmental protection

Division of Air Quality  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
Phone: 304/926-0475 • FAX: 304/926-0479

Earl Ray Tomblin, Governor  
Randy C. Huffman, Cabinet Secretary  
www.dep.wv.gov

August 30, 2011

Mr. John Sylvia  
West Virginia Legislature  
Performance Evaluation and Research Division  
Building 1, Room W-314  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-0610



Dear Mr. Sylvia:

The Division of Air Quality (DAQ) appreciates this opportunity to respond to the recent draft review of our agency. Based on our interactions with the reviewers, we believe that a genuine effort has been made to assess the agency's performance, as well as whether reported metrics adequately reflect that performance. We are gratified that the review largely makes positive findings.

The primary opportunities for improvement identified by the review are:

1. The agency should add to the *Executive Budget Operating Details* a performance metric related to regional air quality, specifically U. S. EPA's Air Quality Index; and
2. The agency should provide public access to performance measures on its website (current and historical).

With respect to the first item, the DAQ notes that both state and regional air quality are dependent not only on air emissions within West Virginia, but also heavily influenced by many states in the eastern half of the nation. Indeed, the State has participated in several control programs designed to reduce nitrogen oxides and sulfur dioxide to mitigate state-to-state transport of pollutants and facilitate compliance with federal air quality standards. Nevertheless, we agree with the reviewer that communicating the air quality is an extremely important goal.

DAQ has been publishing an annual report for nearly a decade (since 2002), which focuses on explaining air quality facts and concepts to the general public. It contains a level of detail that would be impractical to include in the *Executive Budget Operating Details*. We also post the daily Air Quality Index (AQI) on our website. The agency agrees with reviewers that the AQI portion of the Annual Report may be suitable for inclusion. However, we also note that

Promoting a healthy environment.



Letter to Mr. John Sylvia  
August 30, 2011  
Page 2

federal air quality standards are revised periodically and cause shifts in the AQI, thereby making year to year comparisons confusing for the revised standards. Therefore, the viewer must be cautioned when this occurs so that a misimpression of degrading air quality is not falsely conveyed. DAQ will add the AQI results to the *Executive Budget Operating Details* with appropriate caveats.

With respect to the second item, DAQ is always looking for ways to improve our transparency to the public. In accordance with the findings, we will add our performance goals and measures, both current and historical, to our website under the agency's general information tab.


In reviewing Appendix C, "Website Criteria Checklist and Points System," we would like to request the following changes. All visitors to our website enter through the West Virginia Department of Environmental Protection's (DEP) homepage, [www.dep.wv.gov](http://www.dep.wv.gov). Here, visitors will find a link to the various divisions and offices of the DEP, of which DAQ is one. While the DAQ website does not provide the following, all of these options are available on the DEP's homepage:

- Help Link (available through the "How Do I . . . ?" section)
- Feedback Options (available through "contact us")
- Job Postings/links to Personnel Division website (available through Public Information Office>Jobs)
- Calendar of events (Events section)
- FOIA information (available in the "How Do I . . . ?" section and through Public Information Office homepage)

Accordingly, we believe our score should be increased by 9 points. All DEP web content is managed through our ITO office. We will pass the other criteria on to the webmaster to ascertain availability.

Again, we appreciate the opportunity to respond to the draft review. If I may be of further assistance, please do not hesitate to contact me at 304 926 0462.

Sincerely,



John A. Benedict  
Director

JAB/seh

c: June Casto, Chief, WVDEP Office of Administration





WEST VIRGINIA LEGISLATIVE AUDITOR

**PERFORMANCE EVALUATION & RESEARCH DIVISION**

Building 1, Room W-314, State Capitol Complex, Charleston, West Virginia 25305

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